

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

QURTIS WILLIAMS,

Plaintiff,

CIVIL ACTION NO. 07-10999

v.

DISTRICT JUDGE DENISE PAGE HOOD

WILLIAM KELLY, et.al.,

MAGISTRATE JUDGE DONALD A. SCHEER

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO AMEND AND DENYING AS MOOT
DEFENDANTS' MOTION TO DISMISS

Plaintiff, while incarcerated at the Parr Highway Correctional Facility (ATF) in Adrian¹, Michigan was allowed to proceed *in forma pauperis* and filed the instant Complaint, pursuant to 42 U.S.C. § 1983, on March 8, 2007, against four ATF prison officials, alleging that they had violated his federal constitutional rights as a result of various actions taken by them in connection with his incarceration. Plaintiff sought compensatory and punitive damages.

Plaintiff filed a Motion for Leave to file an Amended Complaint on August 15, 2007, to add new parties defendant. Since the Defendants have not filed a responsive pleading to date, the Motion to Amend is GRANTED AND Plaintiff is ORDERED to file his Amended Complaint on or before October 22, 2007. The Amended Complaint must contain a concise statement alleging a violation by each defendant of a right secured by the federal constitution or laws, and that the deprivation was committed by a person acting under color

¹Plaintiff is currently incarcerated at the Florence Crane Correctional Facility in Coldwater, Michigan.

of state law. Plaintiff must allege sufficient material facts to support the inference that each defendant government official has violated a constitutional right.

Defendants' Motion to Dismiss, filed on August 24, 2007, based on a failure to state a claim, is hereby DENIED, because the Complaint to which it is directed has been superseded by an Amended Complaint. Once the Amended Complaint has been filed with the court, the Clerk is ordered to mail Plaintiff copies of summons so that he can effectuate service on the defendants.

Once service is completed, the Defendants will be allowed 30 days to file a responsive pleading. If the case survives summary disposition, the Court will facilitate a telephonic conference call for the purpose of allowing the parties to provide a Final Pretrial Order to the Court.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: October 10, 2007

CERTIFICATE OF SERVICE

I hereby certify on October 10, 2007 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on October 10, 2007. **Qurtis Williams.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217